



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 225-229 Queen Street East and 120-134 Sherbourne Street - Request for Directions

**Date:** July 5, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 13 - Toronto Centre

#### REASON FOR CONFIDENTIAL INFORMATION

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This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

#### SUMMARY

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On November 16, 2021, Zoning By-law Amendment and Site Plan Control applications were submitted proposing a 31-storey mixed-use building with ground floor retail uses and 340 residential dwelling units at 225-229 Queen Street East and 120-134 Sherbourne Street.

On July 14, 2022, the applicant appealed the Zoning By-law Amendment and Site Plan Control applications to the Ontario Land Tribunal (the "OLT"), citing City Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*.

City Council stated its intention to designate the properties at 229 Queen Street East and 120-122 Sherbourne Street under Part IV of the *Ontario Heritage Act* at its meeting of August 15, 2022.

On February 7 and 8, 2023, City Council directed the City Solicitor to oppose the applications at the OLT.

On May 11, 2023, the applicant filed a revised Zoning By-law Amendment application proposing a 45-storey mixed-use building with ground floor retail uses, and 516 residential dwelling units.

The City Solicitor requires further directions for the upcoming OLT hearing scheduled to commence on November 14, 2023. Given imminent procedural filing dates set out in the Procedural Order, and other deadlines addressed in Confidential Attachment 1, this matter is urgent and cannot be deferred.

## RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1, Confidential Appendix "A", and Confidential Appendix "B" to this report from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to this report from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

## FINANCIAL IMPACT

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There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

## DECISION HISTORY

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On November 16, 2021, the applicant filed Zoning By-law Amendment and Site Plan Control applications to permit a 31-storey mixed-use building with ground floor retail uses and 340 residential dwelling units at 225-229 Queen Street East and 120-134 Sherbourne Street. On February 16, 2022, Toronto and East York Community Council received a Preliminary Report, and directed staff to hold a community consultation meeting. The Preliminary Report can be found at:  
[Agenda Item History - 2022.TE31.45 \(toronto.ca\)](#)

On July 14, 2022, the applicant appealed the Zoning By-law Amendment and Site Plan Control applications to the OLT.

On August 15, 2022, City Council stated its Intention to Designate the properties at 229 Queen Street East and 120-122 Sherbourne Street.  
[Agenda Item History - 2022.CC48.6 \(toronto.ca\)](#)

No objections to the Intention to Designate were made and on September 28, 2022, City Council passed By-law 1229-2022 designating the property at 120-122 Sherbourne Street under Part IV of the *Ontario Heritage Act*, and By-law 1230-2022 designating the property at 229 Queen Street East under Part IV of the *Ontario Heritage Act*.  
[By-law 1229-2022 \(toronto.ca\)](#)  
[By-law 1230-2022 \(toronto.ca\)](#)

An Appeal Report was adopted by City Council on February 7 and 8, 2023, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Zoning By-law Amendment and Site Plan Control applications, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Appeal Report can be found at:

[Agenda Item History - 2023.TE2.12 \(toronto.ca\)](#)

The OLT held the first Case Management Conference on November 8, 2022, and the second Case Management Conference on February 27, 2023. A hearing is scheduled to commence on November 14, 2023.

## **COMMENTS**

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The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information